

ORDINANCE 2025-002

AN ORDINANCE AMENDING CHAPTER 34 – TREES.

WHEREAS, the Belleville City Council wishes to protect and promote the health, safety, and welfare of the City of Belleville, and;

WHEREAS, there exists a need to update and revise the regulations regarding trees within the city, and;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF BELLEVILLE ORDAIN:

Section 34 of the City of Belleville Code of Ordinances is amended to amend Sections 34-181 through 34-195 as follows:

Chapter 34, Article V

Planting, Maintenance, and Removal of Trees

Section 34-181: Purpose

To promote and protect public health, safety, and welfare by regulating the planting, maintenance, and removal of trees within the City of Belleville.

Section 34-182: Definitions

1. *Caliper* means the diameter of a tree trunk measured six inches above the ground for trees up to and including four inches in diameter, and 12 inches above the ground for trees larger than four inches in diameter.
2. *Canopy Tree* means a deciduous tree that typically reaches a mature height of at least 35 feet and provides significant shade and habitat benefits. Also known as overstory trees.
3. *City* means the City of Belleville, Wayne County, Michigan.
4. *Diameter at Breast Height (DBH)* means the diameter of a tree trunk measured at 4.5 feet (54 inches) above the natural grade. If a tree branches or swells at or below this height, the DBH shall be measured at the narrowest point below the swelling or branching.
5. *Landmark Tree* means any tree with a diameter at breast height (DBH) of 24 inches or greater, or any tree designated by the City as having significant historical, ecological, or

aesthetic value. Species of slower-growing or long-living native trees may be considered landmark trees at a smaller threshold, typically 18 inches DBH.

6. *Protected Tree* means any healthy, non-invasive tree with a DBH of eight inches or more that is not a Prohibited Tree as outlined in Section 34-194. This includes trees on public property, within required setbacks or buffer zones, or otherwise designated for preservation during development.
7. *Roadway* means the width, curb-to-curb, of any street or alley, and 14 feet above the center of the pavement.
8. *Person* means any individual, firm, partnership, association, corporation, company, organization, or other legal entity of any kind, including all tree removal companies and people removing trees on behalf of others.
9. *Private Tree* means any tree located on private property
10. *Property Owner* means the person (as defined in this section) listed as the owner of a site (as defined in this section).
11. *Public Tree* means any tree located on land owned by the City.
12. *Replacement Tree* means a tree planted to offset the loss of one or more removed trees, meeting the specifications outlined in Section 34-196(c).
13. *Site* means any parcel of land, the dimensions of which are shown on a deed recorded with the county register of deeds, or any parcel which has been separated therefrom under the provisions of the Subdivision Control Act of 1967, as amended, and which exists as described on the effective date of the ordinance from which this article is derived.
14. *Street Tree* means any tree located within the public right-of-way of streets or alleys.
15. *Tree* means any woody perennial plant.
16. *Tree Fund* means a dedicated municipal fund established to accept monetary contributions in place of tree replacement. Funds shall be used exclusively for the planting, maintenance, and preservation of public trees within the City.
17. *Tree Removal* means the act of cutting down or causing the death of a tree, including damage to its roots, trunk, or canopy that results in its decline or death, whether intentional or unintentional.
18. *Tree Replacement Ratio* means the amount of new tree caliper inches required to compensate for the loss of a removed tree, as specified in Section 34-196(b).

19. *Walk Zone* means 60 inches wide and 8 feet above the center of the pavement for sidewalks and rights of way.

Section 34-183: Administration

The Department of Public Works (DPW) shall oversee all activities related to the planting, maintenance, and removal of street and public trees.

Section 34-184: Tree Planting Regulations

1. Permits required
 - a. Residents must obtain a permit from the Building Department to plant a private tree, as defined in Section 34-182.
 - b. Residents are required to contact 811 ("Miss Dig") before planting any private tree and must plant private trees following the guidelines in Section 34-184.3.
 - c. The Belleville City Council shall not establish any application fee for the obtaining of a permit.
2. Species Selection
 - a. Tree Species, otherwise prohibited in section 34-194, are not allowed to be planted.
3. Planting Guidelines:
 - a. Minimum 25 feet from intersections.
 - b. Minimum 30 feet from existing street trees.
 - c. Minimum 5 feet from sidewalks.
 - i. Branches must not encroach within the walk zone, as defined in section 34-182.
 - d. Minimum 10 feet from driveways.
 - e. Minimum 10-20 feet from water or sewer lines.
 - f. Minimum 10-15 feet from gas lines.
 - g. Trees under utility lines must be of a species that will not interfere with utilities.

4. Prohibited Trees: Domestic fruit trees and trees outlined in Section 34-195 are not permitted to be planted.

Section 34-185: Tree Maintenance and Removal

1. City Responsibility: The DPW is responsible for maintaining and removing street and public trees.
2. Private Responsibility: Property owners must maintain trees on their property to prevent hazards to public and neighboring properties.
3. Hazardous Trees: The City may require the removal of dead, diseased, or hazardous trees on private property that pose a threat to public safety or adjacent properties.
4. Notification and Enforcement:
 - a. Written notice will be provided to the property owner.
 - b. Owners have 60 days to address the issue.
 - c. Failure to comply may result in the City removing the tree and charging the cost to the property owner.
 - d. Owners may appeal the decision to the Planning Commission.
 - e. Owners may appeal the Planning Commission decision to the Belleville City Council.
 - f. The City Council's decision is final.

Section 34-186: Tree Topping Prohibition

Topping of street or public trees is prohibited. Tree canopies shall be protected from topping. In abnormal or storm damage situations, proper cuts for crown reduction and/or crown repair must be made.

Section 34-187: Pruning for Safety

Property owners must ensure that trees do not obstruct streetlamps, traffic signs, or the view at intersections. A clear space of at least 14 feet above the street surface must be maintained. The

City reserves the right to prune or remove trees, as authorized in Section 34-185, on private property that encroaches upon public rights-of-way and poses safety concerns.

Section 34-188: Stump Removal

All stumps from all removed trees must be ground below the surface to prevent hazards.

Section 34-189: Arborist Licensing

1. Individuals or firms engaged in pruning, treating, or removing street or public trees must obtain a permit from the City and provide proof of liability insurance with minimum coverage of \$50,000 for bodily injury and \$100,000 for property damage. A registered ISA Certified Arborist or Utility Specialist must be on-site to oversee operations.
2. Public service companies and City employees are exempt when performing their duties.

Section 34-190: Tree Replacement Requirements

This section applies to the removal of any healthy, viable tree with a diameter at breast height (DBH) of eight inches or more, whether on public or private property, excluding trees identified as prohibited species under Section 34-195.

1. Replacement Obligation
 - a. Protected Trees: For each protected tree removed, the property owner shall replace the tree at a rate of 50% of the total DBH removed. For example, removing a 20-inch DBH tree requires replacement trees totaling 10 inches in DBH.
 - b. Landmark Trees: Trees designated as landmark trees must be replaced at a rate of 100% of the total DBH removed.
2. Replacement Tree Standards
 - a. Size: Replacement deciduous trees must have a minimum caliper of three inches, measured six inches above the finished grade. Evergreen trees must be at least eight feet in height.

- b. Quality: All replacement trees shall be nursery-grown, free from defects, and conform to the American Standard for Nursery Stock (ANSI Z60.1).
- c. Species Diversity: No single species shall constitute more than 25% of the total replacement trees on a site to promote biodiversity and reduce the risk of disease and pest infestations.

3. Location of Replacement Trees

- a. On-Site Replacement: Replacement trees should be planted on the same property from which the original trees were removed.
- b. Off-Site Replacement: If on-site replacement is not feasible, the property owner may, with approval from the Department of Public Works (DPW), plant replacement trees on public property or other approved sites within the city.
- c. Tree Fund Contribution: In cases where neither on-site nor off-site planting is feasible, the property owner shall contribute to the City Tree Fund an amount established by resolution of City Council, not to exceed \$100.

4. Maintenance and Guarantee

- a. The owner is responsible for the health and maintenance of replacement trees planted in the right of way (public trees) for one year following planting. Trees that die or are removed during this period must be replaced in kind. Trees planted on a site (private trees) are the responsibility of the current property owner.

5. Exemptions

Exemptions from the replacement requirements may be granted by the Planning Commission if:

- a. The tree was dead, diseased, or posed a hazard to public safety.
- b. The tree species is listed as prohibited under Section 34-194.
- c. Strict adherence to the replacement requirements would cause undue hardship due to site conditions.

Section 34-191: Appeals and Oversight

Decisions made by the DPW regarding tree maintenance can be appealed in writing to the Planning Commission. The decision of the Planning Commission may be appealed in writing to the Belleville City Council, whose decision shall be final.

Section 34-192: Penalties

Violation of this section shall be considered a municipal civil infraction punishable by a fine not to exceed \$100 for the first offense, and \$250 for subsequent offenses. Each day a violation continues shall constitute a separate offense.

Section 34-193: Severability

If any section of this ordinance is found to be invalid, the remaining sections shall continue in full force and effect.

Section 34-194: Repeal

Ordinance No. 99-116 and any other ordinances inconsistent with this ordinance are hereby repealed.

Section 34-195: Prohibited Tree Species

1. Purpose

To protect public safety, infrastructure, and ecological health, certain tree species are prohibited from being planted within public rights-of-way or on public property in the City of Belleville.

2. Prohibited Species

The following tree species are prohibited due to their invasive nature, susceptibility to disease, weak wood structure, or other undesirable characteristics:

- a. Box Elder (*Acer negundo*)
- b. Silver Maple (*Acer saccharinum*)
- c. Tree of Heaven (*Ailanthus altissima*)

- d. Poplar species (*Populus* spp.)
- e. Willow species (*Salix* spp.)
- f. Catalpa species (*Catalpa* spp.)
- g. Mulberry species (*Morus* spp.)
- h. Chinese Elm (*Ulmus parvifolia*)
- i. Elm species (*Ulmus* spp., excluding disease-resistant hybrids)
- j. Autumn Olive (*Elaeagnus umbellata*)
- k. Russian Olive (*Elaeagnus angustifolia*)
- l. Buckthorn species (*Rhamnus* spp.)
- m. Horse Chestnut (*Aesculus hippocastanum*)
- n. Cottonwood (*Populus deltoides*)
- o. Ash species (*Fraxinus* spp.)
- p. Bradford Pear (*Pyrus calleryana*)

3. Exceptions

Exceptions to the prohibited species list may be granted by the Planning Commission if:

- a. The tree is a disease-resistant hybrid, certified by an arborist and recommended for approval by DPW.

4. Enforcement

Planting any of the prohibited species within the public right-of-way or on public property is a violation of this ordinance and may result in removal at the property owner's expense.

Section 34-196: Tree Fund

The City shall establish and maintain a Tree Fund within its annual budget.

- 1. Funds must be used exclusively for the planting, maintenance, and preservation of public trees within the city.
 - a. Allocation of funds shall be established annually during the normal budgetary process as outlined in the City Charter.
 - b. The fund shall have an annual allocation of no less than \$10,000, beginning with the 2026-2027 Fiscal Year Budget, unless such an allocation causes undue hardship upon the city.
- 2. Monetary contributions may be accepted as a donation, or in place of tree replacement, where allowed in Section 34-190.
 - a. The City Council may annually establish the minimum monetary contribution through a resolution, not to exceed \$100.

Section 34-197: Recommended Trees

The following trees are recommended, but not required, to be planted when adding or replacing trees:

- a. Small Trees
 - i. Flowering Dogwood (*Cornus florida*)
- b. Medium Trees
 - i. Basswood (*Tilia americana*)
 - ii. Ohio Buckeye (*Aesculus glabra*)
- c. Large Trees
 - i. Maple (*Acer saccharinum*)
 - ii. Oak (*Quercus palustris*)
 - iii. Tulip Tree (*Liriodendron tulipifera*)

Section 34-198: Effective Date

This ordinance shall take effect ten (10) days after adoption and publication.

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This ordinance shall take effect 10 days from the date of its passage.

The foregoing ordinance was duly adopted at a regular meeting of the Belleville City Council held on June 16, 2025.

Briana Hootman, Clerk

Kenneth Voigt, Mayor

Date of First Reading	June 2, 2025
Date of Second Reading	June 16, 2025
Date of Adoption	June 16, 2025
Effective Date	June 26, 2025